

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jerold S. Horn et al.

Art Unit : 1713

Serial No. : 09/262,628

Examiner : Zitomer, F.

Filed : March 4, 1999

Title : FLUOROPOLYMERIC ORTHODONTIC ARTICLE

Commissioner for Patents
Washington, D.C. 20231RECEIVED
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10/11/00RESPONSE

Claims 1-27 are pending. Claims 1-11 and 17-24 are directed towards an orthodontic article. Claims 12-16 are directed towards a method for using an orthodontic bracket. Claims 25-27 are directed towards a kit for adhering an orthodontic article to a tooth.

In an Office Action mailed August 29, 2000, the Examiner issued an "election requirement." The Action itself, however, is somewhat unclear. Although couched in terms of a species election, it really appears to be a restriction requirement in which applicants are being requested to elect a group of claims for prosecution. For example, the Action states:

This application contains claims directed to the following patentably distinct species of the claimed invention: orthodontic articles and methods of using orthodontic articles. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 12 and 25 are generic.

Based upon this passage, it appears that the "species" is actually a group of claims. Accordingly, applicants will treat the Office Action as a restriction requirement and, in response, elect to prosecute the claims directed towards orthodontic articles (claims 1-11 and 17-24). If, however,

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September 29, 2000

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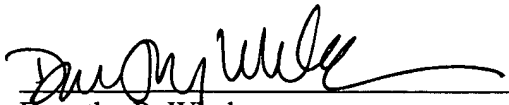
Attorney's Docket No. 10102-001001 / 52075USA5A

applicants' understanding of the Office Action is incorrect, applicants request that the Examiner telephone applicants' attorney, Dorothy P. Whelan, to clarify the Action.

Please apply any charges, or any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 29, 2000



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